

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

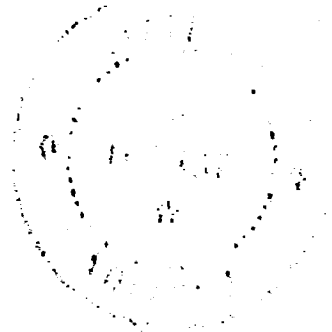
CHAPTER 58

**HOUSE BILL 2200**

AN ACT

AMENDING TITLE 32, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1213; RELATING TO THE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 32-1213, to read:

32-1213. Business entities; registration; renewal; civil penalty; exception

A. A BUSINESS ENTITY MAY NOT OFFER DENTAL SERVICES PURSUANT TO THIS CHAPTER UNLESS:

1. THE ENTITY IS REGISTERED WITH THE BOARD PURSUANT TO THIS SECTION.  
2. THE SERVICES ARE CONDUCTED BY A DENTIST LICENSED PURSUANT TO THIS CHAPTER.

B. THE BUSINESS ENTITY MUST FILE A REGISTRATION APPLICATION ON A FORM PROVIDED BY THE BOARD. THE APPLICATION MUST INCLUDE:

1. A DESCRIPTION OF THE ENTITY'S SERVICES OFFERED TO THE PUBLIC.  
2. THE NAME OF EACH LICENSEE WHO IS AUTHORIZED AND WHO IS RESPONSIBLE FOR THE DENTAL SERVICES OFFERED AT EACH OFFICE.

3. AN APPLICATION FEE PRESCRIBED BY THE BOARD IN RULE.

C. A BUSINESS ENTITY MUST FILE A SEPARATE REGISTRATION APPLICATION FOR EACH BRANCH OFFICE IN THIS STATE.

D. A REGISTRATION EXPIRES ONE YEAR AFTER THE DATE THE BOARD ISSUES THE REGISTRATION. A BUSINESS ENTITY THAT WISHES TO RENEW A REGISTRATION MUST SUBMIT AN APPLICATION FOR RENEWAL AS PRESCRIBED BY THE BOARD ON AN ANNUAL BASIS AND NOT SOONER THAN SIXTY DAYS AND NOT LESS THAN THIRTY DAYS BEFORE THE EXPIRATION DATE.

E. THE BUSINESS ENTITY MUST NOTIFY THE BOARD IN WRITING WITHIN THIRTY DAYS AFTER ANY CHANGE:

1. IN THE ENTITY'S NAME, ADDRESS OR TELEPHONE NUMBER.  
2. IN THE LOCATION OF ANY OFFICE.  
3. OF THE LICENSEE WHO IS AUTHORIZED AND WHO IS RESPONSIBLE FOR THE DENTAL SERVICES OFFERED AT A PARTICULAR OFFICE.

F. THE BOARD MAY DO ANY OF THE FOLLOWING PURSUANT TO ITS DISCIPLINARY PROCEDURES IF AN ENTITY VIOLATES THE BOARD'S STATUTES OR RULES:

1. REFUSE TO ISSUE A REGISTRATION.  
2. SUSPEND OR REVOKE A REGISTRATION.  
3. IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH VIOLATION.

G. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.

H. THIS SECTION DOES NOT APPLY TO:

1. A PERSON WHO IS LICENSED PURSUANT TO THIS CHAPTER.  
2. ANY OF THE FOLLOWING ENTITIES LICENSED UNDER TITLE 20:  
(a) A SERVICE CORPORATION.  
(b) AN INSURER AUTHORIZED TO TRANSACT DISABILITY INSURANCE.  
(c) A PREPAID DENTAL PLAN ORGANIZATION THAT DOES NOT PROVIDE DIRECTLY FOR PREPAID DENTAL SERVICES.

1 (d) A HEALTH CARE SERVICES ORGANIZATION THAT DOES NOT PROVIDE DIRECTLY  
2 FOR DENTAL SERVICES.

3 3. A PROFESSIONAL CORPORATION OR PROFESSIONAL LIMITED LIABILITY  
4 COMPANY FORMED TO ENGAGE IN THE PRACTICE OF DENTISTRY PURSUANT TO TITLE 10,  
5 CHAPTER 20 OR TITLE 29, CHAPTER 4, ARTICLE 11.

6 I. A FACILITY THAT OFFERS DENTAL SERVICES TO THE PUBLIC BY PERSONS  
7 LICENSED UNDER THIS CHAPTER SHALL BE LICENSED BY THE BOARD UNLESS THE  
8 FACILITY IS ANY OF THE FOLLOWING:

9 1. OWNED BY A LICENSEE.

10 2. REGULATED BY THE FEDERAL GOVERNMENT OR A STATE, DISTRICT OR  
11 TERRITORY OF THE UNITED STATES.

12 J. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

13 1. AUTHORIZE A LICENSEE IN THE COURSE OF PROVIDING DENTAL SERVICES FOR  
14 AN ENTITY REGISTERED PURSUANT TO THIS SECTION TO DISREGARD OR INTERFERE WITH  
15 A POLICY OR PRACTICE ESTABLISHED BY THE ENTITY FOR THE OPERATION AND  
16 MANAGEMENT OF THE BUSINESS.

17 2. AUTHORIZE AN ENTITY REGISTERED PURSUANT TO THIS SECTION TO  
18 ESTABLISH OR ENFORCE A BUSINESS POLICY OR PRACTICE THAT MAY INTERFERE WITH  
19 THE PROFESSIONAL JUDGMENT OF THE LICENSEE IN PROVIDING DENTAL SERVICES FOR  
20 THE ENTITY OR MAY COMPROMISE A LICENSEE'S ABILITY TO COMPLY WITH THIS  
21 CHAPTER.

APPROVED BY THE GOVERNOR APRIL, 14, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2003.

Passed the House March 6, 2003

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate April 8, 2003

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

Lu Flores  
President of the Senate

Charmine Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9 day of April, 2003

at 2:30 o'clock P M.

Sandra Ramirez  
Secretary to the Governor

Approved this 14 day of

April, 2003,

at 9<sup>25</sup> o'clock A M.

IT April  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of April, 2003

at 10:55 o'clock A M.

Janice L. Brewer  
Secretary of State

H.B. 2200